

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

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| ELECTRONICALLY FILED |
| DOC #: _____ |
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-against

03 CR 1238 (KMW)
ORDER

CHRISTOPHER PRYCE,
RADCLIFFE BARNES

Defendant.

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KIMBA M. WOOD, District Judge:

The Court grants defendant Barnes' request for a Fatico hearing, to determine his role in the offense and the drug weight to be attributed to him at sentencing.

Counsel for defendants and counsel for the Government shall discuss whether both defendants will be requesting a hearing in this case, or whether defendant Pryce wishes to be resentenced on written submissions. If both defendants request a hearing, the parties shall inform the Court by March 18, 2009, whether one hearing can be held for both defendants, or whether separate hearings should be held on two consecutive days.

After receiving this information from counsel, the Court will schedule hearings for both defendants or schedule a hearing for defendant Barnes and revise the sentencing schedule for defendant Pryce, in light of the Second Circuit's recent decision in *United States v. Williams*, 07-2436-cr.

SO ORDERED.

Dated: New York, New York
March 13, 2009

Kimba M. Wood
KIMBA M. WOOD
UNITED STATES DISTRICT JUDGE